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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN LANGERT :
Plaintiff, : ECF CASE
v. : NOTICE OF MOTION
AMY TOCCO, M.D., et al. : 08 Civ. 4405 (DLC) (DF)
Defendants. :
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PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of the Federal Defendants' Motion to Substitute the United States as Defendant and to Dismiss the Complaint as Against the United States; the Declaration of Emily E. Daughtry, dated May 14, 2008, and the accompanying exhibits; and the Declaration of Meredith Torres, dated December 20, 2007, and the accompanying exhibits, defendants the Hudson River HealthCare, Inc., Amy Tocco, M.D., and David Walker, M.D. ("the federal defendants"), by their attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, move this Court on May 14, 2008, for an order substituting the United States of America as defendant in place of the federal defendants and dismissing the Complaint as against the United States for

lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure.

Dated: New York, New York
May 14, 2008

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Attorney for Federal Defendants

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